

CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
Nevada Bar Number 14853
HOLLY A. VANCE
Assistant United States Attorney
400 South Virginia Street, Suite 900
Reno, Nevada 89501
Telephone: 775-784-5438
holly.a.vance@usdoj.gov

*Attorneys for Defendant Secretary of Housing
and Urban Development*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KYLE JASON KENNEDY, an individual,

Plaintiff,

v.

BANK OF AMERICA, N.A.; THE
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT; BAYVIEW
LOAN SERVICING, LLC; and DOES I
through X, inclusive,

Defendants.

Case No. 3:22-cv-00043-CLB

**Defendant Secretary of Housing and
Urban Development's Motion for
Extension of Time to Respond to
"Plaintiff's Complaint"**

(First Request)

Defendant Secretary of Housing and Urban Development ("Defendant"), by and through undersigned counsel, hereby moves for an Order extending the time to file a responsive pleading to "Plaintiff's Complaint." Defendant requests that the time be extended to March 14, 2022. The basis for Defendant's request is as follows:

1. This action was originally brought in the Second Judicial District Court for Washoe County, Case No. CV21-02215., Dept. No. 3. The named federal Defendant is The Secretary of Housing and Urban Development, an officer of the United States Housing and Urban Development.

2. On January 25, 2022, Defendant filed a Notice of Removal, removing the action from state court to federal District Court.

3. Rule 81(c) of the Federal Rules of Civil Procedure provides the time period to answer an initial pleading in a removed action. The time period provided is the later of 21 days after receipt or service of the initial pleading or seven days after the removal. However, a federal officer would ordinarily be permitted a response time of 60 days to respond pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure.

4. Service of "Plaintiff's Complaint" was effectuated on the agency on January 11, 2022, but neither the U.S. Attorney's Office nor the U.S. Attorney General has been served. It is proposed, and requested, that the time within which to file a response to the "Plaintiff's Complaint" be extended to March 14, 2022—a date that is 60 days following the date of service on the agency.

5. The usual sixty-day response time is needed to meaningfully evaluate the allegations of "Plaintiff's Complaint" and prepare a response to that pleading on behalf of Defendant.

6. This is Defendants' first request for an extension of time. *See* LR IA 6-1(a) (must advise of previous extensions). This motion is made in good faith and not for the purpose of undue delay.

Respectfully submitted this 28th day of January 2022.

CHRISTOPHER CHIOU
Acting United States Attorney

s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney

IT IS SO ORDERED:

DATE: January 31, 2022


UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I, Holly A. Vance, hereby certify that service of the foregoing **Defendant Secretary of Housing and Urban Development's Motion for Extension of Time to Respond to "Plaintiff's Complaint"** was made by sending a copy of the same by first class mail addressed to the following:

Zachary T. Ball, Esq.
The Ball Law Group
1935 Village Center Circle, Ste 140
Las Vegas, NV 89134

Dated this 28th day of January, 2022.

s/ Holly A. Vance

HOLLY A. VANCE
Assistant United States Attorney